

REMARKS/ARGUMENTS

Claim Status

Claims 5, 6, 8, 9 and 11-22 are pending. Claims 1-4, 7 and 10 are canceled without prejudice. Claims 5, 6, 8 and 9 are amended for grammatical purposes and to improve readability. Claims 5 and 8 are also amended to include the subject matter of original claims 7 and 10 respectively. Claims 11-22 are added. New claim 11 finds support in the specification: [0009]. New claim 12 finds support in the specification: [0011]. New claim 13 finds support in the specification: [0012]. New claim 14 finds support in the specification: [0014]. New claims 15-17 find support in the specification: [0015]. New claim 18 finds support in the specification: [0017]. New claims 19 and 20 find support in the specification: [0019]. New claim 21 finds support in the specification: [0047]. New claim 22 finds support in the specification: [0054]. No new matter has been entered.

Claim Objection

Claim 4 has been objected to for improper multiple dependency. This claim has been canceled; therefore this objection is moot.

§112 Rejection

Claims 1-3 have been rejected for the indefinite term “type” in the phrase “non-dyeing type hair cosmetic composition”. These claims have been canceled; therefore this rejection is moot. Applicants respectfully request the withdrawal of this rejection.

§103(a) Rejection

Claims 1-10 have been rejected under 35 U.S.C. §103(a) as obvious in view of *Hinz* (US 5,785,962) and *Fath* (GB 2321595). Applicants respectfully traverse this rejection.

The claimed invention relates to a method of treating hair to improve hair elasticity and suppleness, as well as to reduce the signs of bending from, for example, hair braiding. This treatment is effected with the use of two hair cosmetic compositions A and B, each of which comprise (c) at least one organic solvent in addition to (a) a polycarboxylic acid (or salt thereof) and (b) a hydroxymonocarboxylic acid (or salt thereof) respectively. Additionally, weight ratios of (a)/(c) and (b)/(c) are 0.6 or greater and 0.25 or greater respectively. Lastly, the pH of each composition A and B is from 2 to 5.5 when diluted to 20 times by weight with water.

In contrast, both *Hinz* and *Fath* are silent with respect to the “use of two compositions for the treatment of hair” as recognized by the Office on page 4 (lines 4-5 and 14) of the outstanding Office Action. Furthermore, *Hinz* discloses a hair composition providing improved comb-ability, volume and luster (Abstract) and *Fath* discloses a hair composition providing improved gloss, comb-ability and softness (Abstract), but neither reference discloses improved reduction in signs of bending. Accordingly, one skilled in the art would not have expected the use of the compositions of *Hinz* and *Fath* in combination to yield superior reduction in signs of bending of treated hair as is obtained by Applicants’ claimed method.

To this end, Applicants point out Examples 10 and 11 as well as Comparative Examples 10 and 11 of Tables 3-5 (pages 27-29), reproduced below for ease of examination. Please note that Applicants have discovered a typographical error in Tables 3 and 4 as follows: components “(a1)”, “(a2)” and “(b)” should read “(a)”, “(b)” and “(c)” respectively; this is supported by the correct labels in Tables 1 and 2. Accordingly, the correct labels are used below for ease of discussion.

Hair shampoo	Ex 11	Comp.Ex. 11
Sodium polyoxyethylene lauryl ether sulfate	10.00	10.00
Sodium lauryl sulfate	5.00	5.00
Lauric amidopropylbetaine	-	-
Polyoxyethylene lauryl ether (16E.0)	-	-
Coconut fatty acid monoethanolamide	-	-
Myristyl alcohol	1.00	1.00
Highly polymerized methylpolysiloxane emulsion	1.60	1.60
Pearl concentrate	12.00	12.00
(c): PPG400	0.10	0.10
(c): Benzyl alcohol	0.50	0.50
(c): Benzyloxyethanol	-	-
(c): Phenoxyethanol	-	-
Phosphoric acid	q.s.	q.s.
(b) Lactic acid	-	-
(a) Malic acid	0.75	0.75
Cationic cellulose	0.30	0.30
Cationic guar gum	0.40	0.40
Dimethylidialkylammonium chloride / acrylamide copolymer	-	-
Sodium chloride	0.20	0.20
Perfume	0.60	0.60
Purified water	balance	balance
pH (diluted to 20 times the weight With water, 25°C)	3.7	3.7

Recovery (%) from signs formed by bending	Rightly after		71
	One hour after		
Feeling upon use (organoleptic evaluation)	97	92	A B

As shown above, Comparative Example 11 (Table 3 - shampoo) is like *Hinz*'s shampoo composition with respect to comprising (a) polycarboxylic acids and (c) organic solvents but not (b) hydroxymonocarboxylic acids. This comparative example, which includes the shampoo like *Hinz* and a general conditioner from Table 4 also not comprising (b), resulted in hair having a % recovery from signs formed by bending of 71 just after treatment and 92 one hour after treatment. In contrast, Example 11, which includes the same shampoo like *Hinz* and a conditioner from Table 4 comprising (b) and (c), meets all of the limitations of Applicants' claimed method by including the use of two compositions which

results in the use of all of the components (a) polycarboxylic acids, (b) hydroxymonocarboxylic acids, and (c) organic solvents. Example 11 shows a superior % recovery just after treatment (79 versus 71) and one hour after treatment (97 versus 92), as well as superior feeling upon use ("A" versus "B"). These differences in % recovery equate to 8% and 5% respectively.

Now moving on to Example 10 and Comparative Example 10.

Hair conditioner	Ex. 10	Comp Ex 10
Behenyltrimethylammonium chloride	6.00	6.00
Dimethyloctadecyloxypropylamine	-	-
Stearyl alcohol	-	-
Behenyl alcohol	14.00	14.00
Dipentaeurythritol fatty acid ester	0.10	0.10
Isopropyl palmitate	1.00	1.00
Paraffin wax	-	-
Methylpolysiloxane	4.00	4.00
Amino-modified silicone	0.50	0.50
(c): PPG400	5.00	5.00
(c): Benzyloxyethanol	1.00	1.00
(c): Dipropylene glycol	-	-
(c): Phenoxyethanol	0.10	0.10
Phosphoric acid	q.s.	q.s.
(b): Lactic acid	1.00	1.00
(b): Glycolic acid	1.20	1.20
(a): Malic acid	-	-
Hydroxyethyl cellulose	0.20	0.20
Highly polymerized polyethylene glycol	0.08	0.08
48 wt.% sodium hydroxide	q.s.	q.s.
Perfume	0.20	0.20
Purified water	balance	balance
pH (diluted to 20 times the weight with water, 25°C)	3.0	3.0

Recovery (%) from signs formed by bending	Rightly after	83	61
	One hour after	97	87
Feeling upon use (organoleptic evaluation)			A A

Comparative Example 10 (Table 4 - conditioner) is like Fath's conditioner composition with respect to comprising (b) hydroxymonocarboxylic acids and (c) organic solvents but not (a)

polycarboxylic acids. This comparative example, which includes the conditioner like *Fath* and a general shampoo from Table 3 also not comprising (a), resulted in hair having a % recovery from signs formed by bending of 61 just after treatment and 87 one hour after treatment. In contrast, Example 10, which includes the same conditioner like *Fath* and a shampoo from Table 3 comprising (a) and (c), meets all of the limitations of Applicants' claimed method by including the use of two compositions which results in the use of all of the components (a) polycarboxylic acids, (b) hydroxymonocarboxylic acids, and (c) organic solvents. Example 10 shows a superior % recovery just after treatment (83 versus 61) and one hour after treatment (97 versus 87). These differences in % recovery equate to 22% and 10% respectively.

Given the silence of both *Hinz* and *Fath* with respect to (i) the use of two compositions for the treatment of hair and (ii) reduction in signs of bending of treated hair, one skilled in the art would not have expected such superior % recovery results from the disclosures of these references alone or in combination. Therefore, *Hinz* and *Fath* do not render obvious Applicants' claims. Accordingly, Applicants respectfully request the withdrawal of this rejection.

Conclusion

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Respectfully submitted,

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